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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

DIANA PARKER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

J. M. SMUCKER CO., an Ohio
corporation,

Defendant.

Case No.: 3:13-cv-00690-SC

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING CERTIFICATION BRIEFING
AND HEARING DATES

CLASS ACTION

JURY TRIAL DEMANDED

Judge: Hon. Samuel Conti
Courtroom: 1, 17th Floor

Current Filing Deadline: May 30, 2014

Continued Filing Deadline: June 25, 2014

1 WHEREAS, on March 26, 2014, the Court granted a Stipulation and Proposed Order to
2 Continue the briefing and hearing schedule on Plaintiff's Motion to Certify a Class in this
3 action (the "Motion") (Docket No. 39), pursuant to which Plaintiff's Motion currently is due
4 on or before May 30, 2014; Defendant's Opposition to that Motion is due on or before July 25,
5 2014; Plaintiff's Reply is due on or before August 22, 2014, and the hearing on the Motion is
6 scheduled for September 19, 2014;

7 WHEREAS, since the Court entered that Order on March 26, 2014, the parties
8 continued to meet and confer regarding discovery, Plaintiff deposed two employees of
9 Defendant on three different topics pursuant to Federal Rule of Civil Procedure 30(b)(6) on
10 May 13 and 20, 2014, respectively, and the parties have scheduled a third such deposition of
11 another employee on three additional topics to be conducted on June 11, 2014;

12 WHEREAS, the dates of the depositions described above have been dictated by the
13 witnesses' schedules;

14 WHEREAS, the Parties previously stipulated to continue the certification and briefing
15 deadlines as described above (Docket No. 39), to enlarge Defendant's time to respond to the
16 Complaint in this action (Docket Nos. 5, 7), to enlarge Defendant's time to respond to the
17 Amended Complaint (Docket No. 16), to continue the case management conference and set a
18 briefing schedule for Defendant's motion to dismiss that Amended Complaint (Docket Nos.
19 18-19), and to extend Defendant's time to answer the Amended Complaint following the
20 Court's denial of the motion to dismiss (Docket No. 30); and

21 WHEREAS, the Parties agree that the schedule previously proposed by the Parties and
22 adopted by the Court for briefing and hearing Plaintiff's Motion should be continued as set
23 forth below to allow the discovery described above, including the June 11 deposition of
24 Defendant, to proceed in advance of that briefing;

25 IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

- 26 1. Plaintiff's Motion to Certify a Class should be due on or before June 25, 2014
27
28

2. Defendant's Opposition to that Motion should be due on or before August 20, 2014.

3. Plaintiff's Reply in Support of that Motion should be due on or before September 17, 2014.

4. The Hearing on Plaintiff's Motion should be set for October 10, 2014, or such other date as the Court may deem appropriate and convenient.

Dated: May 27, 2014

AHDOOT & WOLFSON, P.C.

By: /s/ Theodore W. Maya
Theodore W. Maya

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1 Dated: May 27, 2014

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19 **~~PROPOSED~~ ORDER**

20 Having reviewed the above Stipulation to Continue the briefing and hearing schedule
21 on Plaintiff's Motion to Certify a Class in this action, and good cause appearing therefore, the
22 Stipulation is GRANTED, and the schedule proposed by the Parties above is adopted by the
23 Court..

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: 05/28/2014

26 
27 THE HONORABLE SAMUEL CONTI
28 UNITED STATES DISTRICT COURT JUDGE